IN THE HIGH COURT OF JUDICATURE AT BOMBY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 643 OF 2006

Mahadkar Agencies & Anr. .....Petitioners.

V/s

Padmakar Achanna Shetti .....Respondent.

Mr. C.R. Dalvi with Mr. R.V. Pawaskar for Petitioners.

Mr. T. D. Deshmukh for Respondent.

CORAM: S.J. VAZIFDAR, J.
DATE : 24th January, 2007

P.C:

1. I am unable to find any infirmity in the impugned order. The Petitioner initiated execution proceedings for enforcement of the order dated 12th August, 1999, the operative part whereof reads as under:-

> "1. The Defendants/Respondents be Ad-Interim Injunction order hereby restraining from dispossessioning the Plaintiff/Appellant of suit property either by themselves or through their

servants, agents or any other person or persons or body of the persons on the Plaintiff/Appellant's depositing the amount of Rs 13,43,316/- within the period of 5 weeks from today in the court and on the Plaintiff/Appellant depositing the amount of Rs. 45,000/- on or before 5th of every month towards current dues.

2. The liability of payment of Rs 45,000/- payable by the Plaintiff/Appellant to the Defendants/Respondents due in June, July and August at the rate of Rs 45,000/- per month be deposited in the court on or before 5th of September, 1999. Failure to make payments of any of the amount as directed above, ad-interim injunction granted wold automatically be vacated.

3. The Cost of this Application shall be cost in causes."

2. The order does not mandate payment by the respondent to the Petitioners. The order only puts a

condition subject to which the respondent was entitled to injunction. The respondent withdrew the suit on 12th August, 1999 after his Writ Petition challenging the order was dismissed. The only consequence of the respondent not complying with the order was that he was not entitled to the benefit of injunction. The injunction was conditional upon the respondent complying with the said order.

3. In such circumstances, Writ Petition is dismissed.